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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No. BK-23-10423-mkn

Chapter 11

**EX PARTE APPLICATION FOR
ORDER SHORTENING TIME FOR
HEARING ON MOTION FOR INTERIM
AND FINAL ORDERS:
(I) AUTHORIZING DEBTOR TO
OBTAIN POST-PETITION SENIOR
SECURED, SUPERPRIORITY
FINANCING; (II) GRANTING LIENS
AND SUPERPRIORITY CLAIMS;
(III) MODIFYING THE AUTOMATIC
STAY; (IV) SCHEDULING FINAL
HEARING; AND (V) GRANTING
RELATED RELIEF**

Cash Cloud, Inc., dba Coin Cloud ("Debtor"), debtor and debtor in possession in the above-captioned case (the "Chapter 11 Case"), hereby submits this *Ex Parte Application For Order Shortening Time For Hearing* (the "Application") on *Motion for Interim and Final Orders (I) Authorizing Debtor to Obtain Post-Petition Senior Secured, Superpriority Financing; (II) Granting*

1 *Liens and Superpriority Claims* (the “DIP Motion”).

2 By this Application, Debtor respectfully requests that the Court enter an order: (i) setting an
3 emergency hearing on the DIP Motion for February 10, 2023 at 2:00 p.m., (ii) directing Debtor to
4 serve notice of the Emergency DIP Motion in accordance with the procedure set forth in section III
5 below; (iii) approving the form and scope of notice of the Emergency DIP Motion described in
6 section III below and providing that no other notice of the Emergency DIP need be given under the
7 circumstances.

8 WHEREFORE, for the reasons set forth herein, Debtor respectfully requests that the Court
9 hear the DIP Motion on an order shortening time, and grant such other and further relief as may be
10 just and proper.

11 DATED this 8th day of February 2023.

12 **FOX ROTHSCHILD LLP**

13 By: /s/Brett Axelrod

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23 **POINTS AND AUTHORITIES**

24 **I.**

25 As set forth in the DIP Motion, it is necessary for the Court to hear the DIP Motion on an
26 expedited basis in order to provide funding and liquidity for the ongoing operation of its business and
27 to fund the expenses of the Debtor’s Chapter 11 Case.

28 Based on the foregoing, and for the other reasons set forth in the DIP Motion, Debtor requests
that the Court set a hearing on the Emergency First Day Motions for February 10, 2023 at 2:00 p.m.

The proposed shortening of time will not adversely impact any party's ability to respond to the DIP Motion, since the parties have had notice of the DIP Motion as described herein. Further, the proposed shortening of time will still allow for compliance with Rule 4001(d) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), which provides that objections, if any, to the DIP Motion may be filed and served within the time fixed by the Court. Fed. R. Bankr. P. 4001(d)(2).

II.

LEGAL ARGUMENT

A. The Relief Is Authorized by Rule 9006 and Meets Due Process Requirements.

Bankruptcy Rules 9006(c)(1) and (d) authorize a court to reduce the time for a hearing, and a party to file an ex parte motion to shorten the time for a hearing. Bankruptcy Rule 9006(c)(1) provides in relevant part:

In General. Except as provided in paragraph (2) of this subdivision, when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.

Fed. R. Bankr. P. 9006(c)(1).

Courts have generally acknowledged that such expedited relief does not violate due process rights, *even if the motion to shorten time is made ex parte*. "Bankruptcy Rule 9006(c) permits the bankruptcy court 'for cause shown' in its discretion, with or without motion or notice, to reduce the notice period, and ex parte motions for material reductions in the notice period are routinely granted by bankruptcy courts." Hester v. NCNB Texas Nat'l Bank (In re Hester), 899 F.2d 361, 364 n. 3 (5th Cir. 1990); see also 10 Collier on Bankruptcy 9006.09 (16th ed. 2019); In re Gledhill, 76 F.3d 1070 (10th Cir. 1996).

B. Debtor's Counsel Has Conferred With The Notice Parties.

Debtor's counsel consulted the Notice Parties as shown on the Attorney Information Sheet For Proposed Order Shortening Time (filed concurrently herewith and incorporated by reference herein) and provided the Office of the United States Trustee and Debtor's secured lenders with copies of the DIP Motion.

1 **III.**

2 **NOTICE**

3 Upon the Court's entry of an order approving this Application, Debtor will serve the DIP
4 Motion via overnight mail, facsimile or electronic mail on: (i) Debtor's 20 largest unsecured creditors;
5 (ii) Debtor's secured creditors and lienholders of record; (iii) the Office of the United States Trustee
6 for the District of Nevada; and (iv) the federal and state governmental units required by Local
7 Bankruptcy Rule 2002(a)(6).

8 Debtor submits that such notice is adequate and appropriate under the circumstances and that
9 no other or further notice of the DIP Motion need be given.

10 **IV.**

11 **CONCLUSION**

12 WHEREFORE, for all of the foregoing reasons, Debtor respectfully requests that the Court
13 hear the DIP Motion on an order shortening time on February 10, 2023 at 2:00 p.m., and grant such
14 other and further relief as may be just and proper.

15 DATED this 8th day of February 2023.

16 **FOX ROTHSCHILD LLP**

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